North Central Regional Transit District (NCRTD)

Resolution 2015-20

ADOPTING A REVISED CHARTER SERVICE POLICY AND RESCINDING RESOLUTION 2012-08 DIRECTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) TO PROVIDE CHARTER SERVICE IN THE BOUNDARIES OF THE NCRTD WITHIN COMPLIANCE OF THE FEDERAL TRANSIT ADMINISTRATION, DOT 49 CFR PART 604.5.

WHEREAS, the NCRTD was created through legislative enactment (NMSA 1978, Sections 73-25-1 through 73-25-19); and

WHEREAS, the NCRTD is a subdivision of the State of New Mexico with all the authority and duties of the same; and

WHEREAS, the Board has the authority to make and pass resolutions necessary for the execution of the powers vested in the District; and

WHEREAS, The Board recognizes by having a charter policy that provides for charter service for government officials, for qualified human service organizations (QHSO) for the purpose of serving persons, or for a significant number of handicapped passengers; with mobility limitations related to advanced age; with disabilities; or with low income, and for Member entities when no registered charter provider responds to notice.; and

WHEREAS, Member entities may be eligible for one (1) limited charter service per year at no charge for services; and

NOW THEREFORE BE IT RESOLVED THAT THE BOARD RESCINDS RESOLUTION 2012-08 THE EXISTING CHARTER SERVICE POLICY AND ADOPTS RESOLUTION 2015-20 A REVISED CHARTER SERVICE POLICY THAT COMPLIES WITH FEDERAL REGULATIONS, 49 CFR PART 604.5 ON THIS 5TH DAY OF JUNE, 2015.

Daniel R. Barrone, Chair

Approved as to form:

Mark Basham, Counsel

NORTH CENTRAL REGIONAL TRANSIT DISTRICT
CHARTER POLICY

PREAMBLE:

In accordance with federal regulations, 49 CFR Parts 604.5 - 604.12, and 604.14 NCRTD may provide charter service pursuant to federal regulations for government agencies and officials, (49 CFR 604.6) for specifically qualified human service organizations (QHSO) (49 CFR 604.7) for the purpose of serving persons with mobility limitations related to advanced age, with disabilities, or with low income, and for NCRTD Member entities (49 CFR 604.9), when no registered charter provider responds to notice. These regulations are collectively referred to herein as Community-Based Charter Services Regulations. Services rendered under this policy are referred to herein as Charter Services.

I. Charter Services Shall not Interfere with Existing Services

It is the general policy of the NCRTD to prioritize the consistent delivery of established NCRTD services set forth in the NCRTD's service plan. Charter Services are supplemental services and shall not preclude or interfere with the general NCRTD services set forth in the services plan. The NCRTD generally will consider applications for Charter Services in off-peak hours of operation (weekdays 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 12:00 a.m., or Saturdays, or Sundays). Applicants may seek Charter services at any time but should consider minimizing the impact on existing NCRTD services at the time of application.

II. Applications for Charter Service

Any person or organization may apply for NCRTD Charter Services by completing and application on a form prescribed by the NCRTD. A party requesting charter service must demonstrate eligibility, to do so under this policy and under the terms of the Community-Based Charter Services Regulations. Application for charter services shall at a minimum include:

A. The name of the applicant and the authority of the applicant as an agent for any organization receiving Charter Services;
B. The number of hours of estimated services requested;
C. The date, time and location of each specific pick up and drop off requested and a proposed route for the Charter Services;
D. An estimate of the number of passengers that will use the charter services;
E. Any event information that may be helpful in determining passenger, route, or safety issues;

F. Any fees or charges that may be assessed or collected for transit or transit related services whether by or for the NCRTD, or the applicant, or any third party;
G. Whether an existing registered charter provider is available to provide the service;
H. Whether notice has been issued pursuant to 49 CFR 604.9 and 604.14 to existing registered charter providers;
I. Supporting information regarding notices to registered charter providers showing the date of mailing or an explanation why notice has not been sent or is not required.
J. Supporting information to show whether the Applicant qualifies for exemption from the Community-Based Charter Services Regulations.
K. Any information necessary for the NCRTD to file a petition for an exception to federal charter service regulations;
L. Such other and additional information as may be required to comply with49 CFR 604.12 reporting requirements or any other requirements of the Community-Based Charter Services Regulations.

The Executive Director will designate an NCRTD staff person to handle inquiries for charter service. The NCRTD staff person will provide all applicants with forms, policies and information necessary to make application for Charter Services.

Applicants that are government agencies or non-profit organization may be required to provide certification of tax-exempt status.

When responding to a request by a Member entity, either the NCRTD Staff person or staff for the applicant shall issue a Notice of Charter Service to registered charter providers in accordance with 49 CFR Part 604.9. If no responses by registered charter providers are received, the NCRTD may provide Charter Services.

Charter Service routes will be determined by the NCRTD in consultation with the applicant.

Although applicants may be eligible for Charter Services, all Charter Services are discretionary and the NCRTD is only obligated to provide Charter Services pursuant to Charter Services Agreements.

III. Liability

All parties chartering NCRTD vehicles will be required to provide the NCRTD with insurance coverage, indemnification and other financial assurances as may be reasonably required by the NCRTD to ensure that it does not incur increased costs or liabilities from the operation of the charter

service.

IV. Seating Capacity

The seating capacity of NCRTD vehicles range from 12 to 44 seats. The NCRTD complies with the Americans with Disabilities Act (ADA), and is able to provide Wheel-chair equipped vehicles. NCRTD vehicles can accommodate and secure one or two wheel-chairs per vehicle but each wheel chair space reduces the vehicle seating capacity by 4 seats. Applicants should consider seating capacity needs at the time of application and inform the NCRTD in advance of any known seating capacity issues or ADA related needs.

V. NCRTD Charges for Charter Services

NCRTD Member entities may apply for one (1) limited charter service per year at no charge to the NCRTD Member entity, on a first come first serve basis with a projected total annual maximum of 150 hours of NCRTD charter service. All Charter Services are limited by and to the amount budgeted by the NCRTD for the services.

The hourly rate charged for charter service will be determined by the NCRTD and shall be in an amount as shown on the attached **Exhibit A**, which the NCRTD, through its Executive Director may, from time to time, amend. It is the intent of the NCRTD to minimize costs to NCRTD member entities but the NCRTD may charge more comprehensive costs to non-member entities.

Any additional charges incurred as direct expenses by the NCRTD including but not limited to tolls, parking fees, entrance fees, or other expenses shall be added to the hourly rate charge and reimbursed to the NCRTD by the applicant upon delivery of the Charter Services.

VI. Charter Services Contracts

Applicants receiving approval for Charter Services shall be required to enter into a Charter Service Agreement with the NCRTD. The NCRTD will provide an initial cost estimate at the time of entering into the Charter Services Contract. Incidental costs (as described above) may be added after the service has been provided. Each Charter Service Agreement shall require payment of 100% of the initial cost estimate is required when the Charter Service Agreement is signed. If need be, at the conclusion of the service, the chartering party will be invoiced for any outstanding costs above and beyond the initial cost estimate.

VII. Cancellations

The NCRTD will generally require a minimum of 48 hour notice in the event an applicant wishes to cancel Charter Services but notice should be given as soon as the applicant knows or believes it may cancel the service request in order to reduce costs and impacts on other NCRTD operations. In the event of inclement weather the NCRTD, in its sole discretion, may waive or modify this notice requirement or cancel the service where it deems the weather to pose unacceptable safety risks. Nothing herein shall be deemed to modify or waive specific requirements and obligations under a signed Charter Services Agreement and the NCRTD may hold a chartering party responsible for any costs it incurs due to delay in providing notice or cancellation of services.

VIII. Service Standards

Charter Services shall be delivered by the NCRTD pursuant to its current prevailing service standards. Applicants should inquire about any specific or special requirements for their Charter Services and any exceptions to general NCRTD service standards shall be set forth in the Charter Services Agreement.

In general the NCRTD:

A. Endeavors to maintain the time of arrival at points of destination but does not guarantee to arrive at or depart from any point at a specific time.
B. May incur delays caused by accidents, breakdowns, road conditions, storms and other circumstances beyond its control.
C. Assigns qualified operators that have been instructed to drive at a speed within limits prescribed by law, and compatible with safe operations.
D. Does not accept responsibility for personal property when left on the vehicle by passengers when disembarking.

IX. Equipment Vehicles

Wherever possible, requests for specific vehicles will be honored, but cannot be guaranteed. Should mechanical failure of equipment make it necessary for the replacement of a vehicle originally assigned to the service, the replacement vehicle may be of a different type. Every effort shall be made by NCRTD to provide equipment as similar to the original as possible.

X. Equipment Repairs

All costs of repairing damage to vehicles resulting from acts of members of the chartering party shall be charged to the chartering party.

XI. Baggage

NCRTD drivers generally do not check or handle passenger baggage, load passenger equipment or property unless required to do so in assisting with ADA compliance. Passengers may carry on their own baggage and property as long as the baggage can be safely stowed on the vehicle, or can be held or restrained by the passenger. Any property or baggage that creates, in the opinion of the operator of the vehicle or other NCRTD employee, a hazardous condition or is likely to damage the vehicle will not be transported. Flammable or other dangerous substances or articles shall not be brought on board the vehicle.

XII. Other NCRTD Restrictions

General passenger and service restriction imposed by other policies of the NCRTD shall apply to charter services including, but not limited to restriction on smoking, passenger conduct, firearms, alcohol, and all restrictions expressly posted on the vehicles.

XIII. Public Relations and Related Service

NCRTD may provide promotion and support for Charter Services as long as said services are consistent with the NCRTD's advertising policies and the additional services are agreed to in writing by the NCRTD and the applicant.

XIV. Volunteer or Donated Services

The NCRTD will not request volunteer drivers for any Charter Services and will not credit or discount Charter Services costs for any volunteer drivers utilized. It is the NCRTD's policy to only use NCRTD employees for Charter Services and any operation of NCRTD vehicles by volunteers or non-NCRTD employees shall require the prior written approval of the Executive Director.

XV. Non-Charter Services

The following services are not deemed Charter Services and may be provided notwithstanding the provisions of this Charter Services Policy.

A. Educational Events

NCRTD vehicles may be used for events during which NCRTD employees educate groups of people on how to use the NCRTD system. The use of a vehicle for this type of *event* needs to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Facilities Director. The Transit Operations and Facilities Director will confirm vehicle availability prior to approval. The Transit Operations and Facilities Director shall also verify and approve the educational nature of the event prior to approval.

B. Stationary Vehicles

NCRTD vehicles may be used for any *event* at which the vehicle will be stationary and no passengers will be carried. The use of a vehicle for this type of *event* needs only to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Facilities Director. The Transit Operations and Facilities Director will confirm vehicle availability prior to approval.

C. Parades

NCRTD vehicles may be used as a feature in a parade if the general public is not being carried and NCRTD is providing the vehicle free of charge. This service would need to be requested by the Public Information Officer and approved by the–Transit Operations and Facilities Director and the Executive Director. If NCRTD is charging for the use of the vehicle and/or the general public will be carried on the vehicle, the parade organizers must complete the charter services application process outlined *above.* The same hourly rate will be charged for parades as for any other charter service.

D. Supplementary Services

Any enhanced or supplemental service the NCRTD elects to provide which increases capacity on existing NCRTD fixed routes are deemed supplementary services and are not Charter Services.